FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 05 3379

★ JUL 18 2005 ★

LONG ISLAND OFFICE

---X

MANMOHAN SINGH,

Plaintiff,

- against -

METLIFE, INC. and MARK KEATING,

Defendants.

---X

51

COMPLAINT

Jury Trial Demanded

HURLEY, J.
LINDSAY, M.

Plaintiff, MANMOHAN SINGH, by and through his attorneys, Leeds Morelli & Brown, P.C., alleges, upon knowledge as to himself and his own actions and upon information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This is a civil action based upon the Defendants' violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; the New York State Executive Law, Human Rights Law, § 290 et seq.; the New York City Administrative Code Title 8; and any other cause of action which can be inferred from the facts set forth herein.

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343 (4), 1367, 2201. The pendent jurisdiction of the Court (28 U.S.C. § 1367) is invoked over state law causes of action.

3. Venue is proper pursuant to 28 U.S.C. § 1391.

4. The jurisdictional prerequisites to this lawsuit have been completed. Plaintiff has filed a formal administrative complaint (Charge Number 160-2005-00382) with the Equal Employment Opportunity Commission and has received a Right to Sue letter dated May 2, 2005, which is attached as Exhibit A. This action is filed within 90 days of Plaintiff's receipt of his Right to Sue letter.

PARTIES

5. Plaintiff, Manmohan ("Billy") Singh ("Plaintiff" or "Singh"), was and still is a resident and domiciliary of the County of Nassau, State of New York.

6. Defendant, Metlife, Inc. ("Metlife") was and still is a duly incorporated corporation, with a place of business at 1 Metlife Plaza, 27-01 Queens Plaza North, Long Island City, New York 11101.

7. Mark Keating ("Keating") aided, abetted, compelled and/or incited the discriminatory and unlawful treatment set forth below. Keating worked at Metlife at 1044 Northern Blvd., Roslyn, NY 11576.

BACKGROUND

8. Plaintiff, Manmohan ("Billy") Singh ("Plaintiff" or "Singh") is of Indian descent.

9. Plaintiff is the Current Chairman/President and a founding President of the Indian Chamber of Commerce, USA.

10. Plaintiff commenced employment with MetLife in July 2003 and was hired to be an Agency Director.

11. As part of Plaintiff's job responsibilities, Plaintiff supervised and trained sales agents.

12. Plaintiff received a salary and commission based on the sales performance of the agents he supervised. He was also paid commissions on his personal production.

13. In February 2004, Mark Keating ("Keating"), a white male, became a Managing Director. Accordingly, Plaintiff reported directly to Keating.

14. Upon becoming Managing Director, Keating repeatedly said to Plaintiff, words to the effect of, "Billy, you will make a great agent some day," implying that Plaintiff would not remain a Director.

15. Starting when Keating became Managing Director, on numerous occasions, Keating spoke to Plaintiff in a fake Indian accent. Keating spoke this way to Plaintiff in an effort to degrade Plaintiff and his national origin.

16. During the first six weeks that Keating was Managing Director, Keating personally invited every employee to his office, except Plaintiff. The purpose of these meetings were to enable Keating to get to know his staff.

17. After their respective meeting with Keating, most of the agents that Plaintiff supervised stopped visiting Plaintiff's office and stopped reporting to Plaintiff.

18. Plaintiff was told by one of the agents that Keating suggested that Plaintiff would not remain employed at MetLife much longer.

19. Additionally, employees were told by Keating that there were only two Agency Directors, when in fact there were three. Keating did not inform new employees that Plaintiff was a third Agency Director.

20. In or around February 2004, Plaintiff heard Keating tell Rajdeep Braich, a MetLife agent of Indian Descent, "get on your flying carpet and go see some people." Plaintiff was also aware of similar remarks made by Keating towards Braich, degrading his national origin.

21. After a meeting in March 2004, Keating said to Plaintiff, words to the effect of "I wanted to fire the Jew bastard today, but these compliance cunts from the home office want to wait! They are afraid of lawsuits." Keating was referring to another manager, Bradley Spitz, who had forged a client signature. Keating went on to say, words to the effect of, "but you know what, there's more than one way to skin a cat! Sorry, Billy, in your case, there is more than one way to skin a goat, since you're a fucking Indian." Keating then continued to laugh.

22. In March 2004, Plaintiff asked Keating to use the training room to hold an Indian Chamber of Commerce meeting. Keating then said to his assistant Michelle Baccus, words to the effect of, "Hey, Michelle, Billy wants to bring thirty to forty drunk Indians to our training room every month. What is the company policy regarding such matters?"

23. In March 2004, Keating reduced Plaintiff's role in the agency and delegated Plaintiff to perform duties that were below or outside of his job classification or expertise.

24. In or around March 2004, Keating told Plaintiff that he heard a rumor that Plaintiff was leaving the company.

25. In or around March or April 2004, Plaintiff told Keating about a possible new recruit, Mr. Habib. Mr. Habib is from Pakistan. Keating remarked, "so when are you bringing the Al Qaeda group for an interview?"

26. While discussing other possible recruits, Keating remarked, "what do you mean one is an Indian? The bow and arrow Indian or the Seven-Eleven Indian." Additionally, Keating said to Plaintiff, words to the effect of, "we should have metal detectors installed before they arrive with turbans and AK-47's! Jesus, you can't even joke about these things anymore. You never know who anyone is anymore!"

27. In or around April 2004, John Vasilakos, a white male, was hired by Keating as an Agency Director and was given 14 agents to supervise. He was to receive commissions from the work of each agent. Whereas, Plaintiff, after ten months of employment had only 8 agents to supervise.

28. In or around April 2004, Plaintiff's picture that was displayed in the company hallway among leading producers, was removed.

29. In May 2004, Keating attempted to drastically reduce Plaintiff's compensation.

30. Keating reprimanded Plaintiff for being late once, when, in fact, Plaintiff was early.

31. In a letter dated May 20, 2004, Plaintiff, through his attorneys, sent a letter complaining about the discriminatory practices to which Plaintiff was subjected.

32. In a memo dated July 6, 2004, Keating informed Plaintiff that his position would be changed to Financial Services Representative and his salary would be reduced. Keating also informed Plaintiff, through the memo, that after September 27, 2004, he would be paid in accordance to the compensation plan currently in place for experienced Field Services Representatives. Moreover, Metlife and Keating reduced Plaintiff's role in the company.

33. The discriminatory and retaliatory treatment that Plaintiff was subjected to was so intolerable that it culminated into Plaintiff's constructive discharge on August 31, 2004.

34. Additionally, Plaintiff was subjected to the following hostile and discriminatory conduct in the workplace which contributed to the intolerable work environment:

a. Keating referred to Phillip Cebelinski ("Cebelinski"), an Agency Director, as a Pollack.

b. Cebelinski, a white male, made comments referring to one agent as a black guy trapped in a white body.

c. Keating told Plaintiff, in reference to one of his agents, words to the effect of, "Billy, did you notice those Chinese legs today, She looks great today. Notice the slit on the side of her skirt? Elaine should be able to close this case by herself, she doesn't need you guys."

d. Keating asked Plaintiff if an agent under his supervision was a lesbian.

e. Keating told Plaintiff, that he thought a MetLife Agent was a stripper, and that he could tell by the way she moves. Keating also said she would make a great stripper, she has the body for it. Then Keating grabbed his crotch.

35. These incidents are indicative of the hostile work environment at MetLife which was accepted without appropriate remedies to prevent it.

36. Incidents similar to the above occurred regularly and were severe and/or pervasive. The aforementioned actions are adverse employment actions, and/or contribute to an atmosphere of adverse employment actions. Plaintiff was offended by the above comments and incidents and expressed his objection to the same.

37. By reason of Defendants' violation of Plaintiff's rights, Plaintiff has suffered a loss of monetary benefits associated with his employment in addition to suffering physical, emotional and other damages.

CLAIMS FOR RELIEF

38. Based on the foregoing, Plaintiff has been subjected to unlawful discrimination by Metlife on the basis of his race, color, and/or national origin in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, the New York State Executive Law, Human Rights Law, § 290 et seq.; the New York City Administrative Code Title 8, as well as all applicable state and local laws.

39. As more fully set forth above, the individual Defendant, aided, abetted, incited, compelled and/or coerced the aforementioned unlawful conduct in violation of New York State Executive Law, Human Rights Law § 296(6) and the New York City Administrative Code Title 8.

WHEREFORE, Plaintiff demands judgment against Defendants for, where applicable, all compensatory, emotional, physical, and punitive damages (where applicable), lost pay, front pay, injunctive relief, and any other damages permitted by law. It is further requested that this Court grant reasonable attorneys' fees and the costs and disbursements of this action and any other relief to which Plaintiff is entitled. Plaintiff demands a trial by jury.

Dated: Carle Place, New York
July 11, 2005

Respectfully Submitted,

LEEDS, MORELLI & BROWN, PC
Attorneys for Plaintiff
One Old Country Road, Suite 347
Carle Place, New York 11514
(516) 873-9550

RICK OSTROVE (RO-7248)
GREGORY SCOLIERI (GS-3501)

EXHIBIT A

EEOC Form 161-B (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE *(ISSUED ON REQUEST)*

To: **Manmohan Singh**
1508 Pea Pond Road
North Bellmore, New York 11710

From: Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

[ ] *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge No.	EEOC Representative	Telephone No.
160-2005-00382	Legal Unit	(212) 336-3721

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

[ ] More than 180 days have passed since the filing of this charge.

[X] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.

[X] The EEOC is terminating its processing of this charge.

[ ] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

[ ] The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

[ ] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Spencer H. Lewis, Jr., District Director

MAY 0 2 2005
(Date Mailed)

Enclosure(s)

cc: **Respondent(s):**
Julie K. Gershman
MetLife
1 MetLife Plaza
27-01 Queens Plaza North, Area 7A
Long Island City, NY 11101-4015

CP Atty: Gregory Scolieri, Esq.
Leeds, Morelli & Brown, PC
One Old Country Road
Suite 347
Carle Place, NY 11514